

Atty Docket D-2958RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application  
of

Inventor(s) :

Dennis E. Parham

Merchandising Display Track  
Device Of Multiple-Piece  
Construction

Serial No.: 10/705,666

Confirmation No.: 5356

Filed: November 10, 2003

Group Art Unit: 3634

Examiner: Novosad, J. E.

I hereby certify that this correspondence is  
being deposited today with the United States  
Postal Services as first class mail in an  
envelope addressed to:

MAIL STOP Reissue  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

John L James

Name: John L. James  
Registration No. 28,724  
Date: June 6, 2007

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

PETITION FOR FILING BY ASSIGNEE

Applicant, Display Industries, LLC., hereby  
petitions the Commissioner to accept the filing of the  
above-identified U.S. Reissue Patent Application by it, as  
the party to which the invention disclosed and claimed in  
said Reissue Patent Application rightfully belongs, and on  
behalf of and as agent for the inventor.

Affidavits are attached hereto providing proof of  
the pertinent facts concerning the refusal of the inventor  
to join in the present reissue application for patent and  
establishing that Display Industries, LLC. has a sufficient  
proprietary interest in this matter to make application on  
behalf of and agent for the inventor, and showing that such

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action is necessary to preserve the rights of the parties and to prevent irreparable damage.

The name and address of the inventor refusing to join in this application is as follows:

Dennis E. Parham  
2509 Hollins Drive, NW  
Kennesaw, Georgia 30152

The invention as described in U.S. Patent No. 6,325,221 was developed under the authorization of The Mead Corporation by Dennis E. Parham of Kennesaw, Georgia, who was employed by Mead Corporation to do so. The patent was originally assigned to The Mead Corporation and later to Display Industries, LLC., successor to the merchandising display business of The Mead Corporation.

Upon information and belief, based on the precedent which will be discussed below, Display Industries, LLC. is entitled to clear title to the invention and to the above-identified reissue patent application and any patent which issues thereon.

The Supreme Court of the United States in *Solomons v. United States*, 137 U.S. 342, 346 (1890), held:

If one is employed to devise or perfect an instrument, or a means for accomplishing a prescribed result, he cannot, after successfully accomplishing the work for which he was employed, plead title thereto as against his employer. That which he has been employed and paid to accomplish become, when accomplished, the property of his employer. Whatever rights as an individual he may have had in and to his inventive powers, and that which they are able to accomplish, he has sold in advance to his employer.

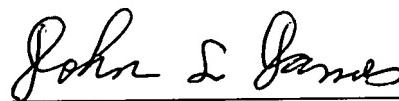
It is clear that an employee who is paid to develop an invention comes within the scope of the language cited.

Since Mr. Parham was employed by The Mead Corporation, that is, paid compensation to develop a merchandising track device of multiple-piece construction, this invention belongs to The Mead Corporation and now it's successor in interest, Display Industries, LLC., and the inventor who contributed to the development of the device has a duty to assign the invention, patent application, and any patent which issues thereon to Display Industries, LLC. and upon direction of Display Industries, LLC. execute an application therefor.

Mr. Parham left the employ of The Mead Corporation and cannot be contacted to execute the papers for filing the present reissue patent application. Display Industries, LLC. is believed to be entitled to make such application on behalf of and as agent for the inventor pursuant to 37 C.F.R. § 1.47(b).

The required fee pursuant to 37 C.F.R. § 1.17(h) is enclosed.

Respectfully submitted,



John L. James  
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Registration No. 28,724

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Serial No.: 10/705,666  
Petition  
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